

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ELAINE L. CHAO, Secretary of Labor	§	
United States Department of Labor,	§	
	§	
Plaintiff,	§	CIVIL ACTION NO.
	§	
vs.	§	3:08CV0018-O
	§	
LOCAL 732, AMERICAN POSTAL	§	“ECF”
WORKERS UNION,	§	
	§	
Defendant.	§	

**DEFENDANT LOCAL 732, AMERICAN POSTAL
WORKERS UNION'S ORIGINAL ANSWER**

TO THE HONORABLE JUDGE OF SAID COURT:

Defendant Local 732, American Postal Workers Union (hereinafter referred to as “Defendant”) answers plaintiff, Elaine L. Chao’s Complaint as follows:

1. Defendant admits that plaintiff brought this an action under Title IV of the Labor-Management Reporting and Disclosure Act of 1959, as amended, 29 U.S.C. §§481-483. Defendant denies that plaintiff is entitled the judgment described in paragraph 1 against defendant.
2. Defendant admits this Court has jurisdiction.
3. Defendant admits that venue is proper in the Northern District of Texas, Dallas Division.

4. Defendant admits the allegations contained in paragraph 4 of Plaintiff's Complaint.

5. Defendant admits the allegations contained in paragraph 5 of Plaintiff's Complaint.

6. Defendant admits the allegations contained in paragraph 6 of Plaintiff's Complaint.

7. Defendant admits the allegations contained in paragraph 7 of Plaintiff's Complaint.

8. Defendant admits that Harvey Johnson, a member of defendant Local 732 protested the election; the precise date of such protest is not known and therefore must be denied.

9. Defendant admits that Harvey Johnson, a member of defendant Local 732 appealed the election protest to the National's Election Appeals Committee by letter dated May 28, 2007; it is unknown as to when the appeal was docketed, therefore the date of such appeal is unknown and must be denied.

10. Defendant admits the allegations contained in paragraph 10 of Plaintiff's Complaint.

11. Defendant admits that it agreed to two (2) extensions by the Department of Labor so that its investigation could be continued.

12. Defendant admits that the Department of Labor performed an investigation

on this complaint; it is denied that probable cause existed or could be established by the Department of Labor to believe that the statute had been violated.

13. Defendant denies the allegations contained in paragraph 13 of Plaintiff's Complaint.

14. Defendant denies the allegations contained in paragraph 14 of Plaintiff's Complaint.

15. Defendant denies the allegations contained in paragraph 15 of Plaintiff's Complaint.

WHEREFORE, defendant Local 732, APWU prays that this Court deny any of the relief requested by plaintiff and that it recover from plaintiff its costs and a reasonable attorney's fee for defending this action.

Respectfully submitted,

/s/ Edward B. Cloutman, III
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COUNSEL FOR DEFENDANT
LOCAL 732, AMERICAN POSTAL
WORKERS UNION

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing instrument has been served upon the below-listed counsel of record, by placing same in the United States Mail, postage prepaid, on this the _____ day of January, 2008:

Ms. Katherine Savers McGovern
Assistant U.S. Attorney
1100 Commerce Street, Room 300
Dallas, Texas 75242

Mr. Frederick Bowen
Attorney
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, D.C. 20210

/s/ Edward B. Cloutman, III

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